

4160 (OR-025)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED  
7099 3220 0007 8162 4316

Jack Young  
Young Land Co.  
1219 SW 63<sup>rd</sup> Street  
Redmond, Oregon 97756

## NOTICE OF PROPOSED DECISION

Dear Mr. Young:

### INTRODUCTION AND BACKGROUND

The National Environmental Policy Act directs that an analysis be conducted on all Federally authorized actions. The renewal or initial issuance of term grazing permits is a Federally authorized action to graze livestock on Federal land for a specified period of time, under a set of specified terms and conditions.

The Three Rivers Resource Management Plan (RMP) of 1992, identified land that is available for livestock grazing. The land in the Poison Creek Allotment (#5584) for which Young Land Company has a grazing lease, meets the criteria set forth in the Three Rivers RMP under GM 1.4, Page 2-37. This action is also in conformance with applicable Tribal, State, and County Land Use Plans.

Environmental Assessment (EA) OR-025-04-007 was prepared to analyze the continuance of livestock grazing under the existing terms and conditions of the expiring permit. (This analysis is tiered to the Three Rivers RMP and incorporates by reference, the information and analysis contained within the RMP.) This analysis was also preceded by an interdisciplinary evaluation which determined that the current livestock management is meeting the standards for Rangeland Health and Guidelines for Livestock Management for Public Lands Administered by the Bureau of Land Management (BLM) in Oregon/Washington (August 1997).

The EA analyzed a proposed action to reissue the term grazing permit with the existing terms and conditions which is considered to be the same as a no action alternative for analysis purposes. A no grazing alternative was considered and not analyzed because the Standards for Rangeland Health, Guidelines for Livestock Management and the allotment-specific objectives are being met with current livestock management.

## FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the EA and all other available information, I have determined that the proposal and alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement is unnecessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests, or the locality. The physical and biological effects are limited to the Burns District, Three Rivers Resource Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplains, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern. There would be no adverse impacts from invasive, nonnative species.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other projects that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource-related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

8. Based on previous and ongoing cultural resource surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice policy.
9. No adverse impacts to any threatened or endangered species or their habitat, that was determined to be critical under the Endangered Species Act, were identified.
10. This proposed action is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.
11. There would be no known effect on migratory birds.
12. There are no known impacts that would occur to any existing or potential energy resources.

## PROPOSED DECISION

My Proposed Decision is to implement the proposed action as described in EA OR-025-04-008 for authorization of livestock grazing use on the Poison Creek (#5584) Allotment under the grazing lease for Operator Number 3602043 for a term of 10 years from June 15, 2003 to February 28, 2013.

## RATIONALE/AUTHORITY

Grazing permittees who graze their livestock on BLM land shall have grazing leases issued to them under the grazing regulations (43 CFR 4130.2(a)). Grazing leases shall be issued for a term of 10 years unless there is some reason which requires a term of less than 10 years under the grazing regulations (43 CFR 4130.2(d)).

It was determined that the multiple-use allotment objectives and the Standards for Rangeland Health are currently being met.

All land affected by this decision is among the land that has been identified as available for livestock grazing in the Three Rivers RMP.

All existing terms and conditions are being brought forward into the new grazing permit. There are no changes or additions being proposed to these terms and conditions.

## RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to Joan Suther, Field Manager, Three Rivers Resource Area, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision. Any protest received will be carefully considered and then a final decision will be issued.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available at the BLM office.

Should you wish to file a petition for a stay, you must file within the appeal period. In accordance with 43 CFR 4.21(b) (1), a petition for a stay must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

If you have any questions, please contact either Bill Andersen (541) 573-4430 or me at (541) 573-4445.

Sincerely,

*Signature on file*

Joan M. Suther

Three Rivers Resource Area Field Manager